

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re: Brandon L. Phillips,
Attorney at Law, Bar No. 12264

Case No. 2:23-ms-00073-MMD
ORDER OF SUSPENSION

I. SUMMARY

This is an attorney discipline matter. Before the Court is Brandon L. Phillips' response to the Court's Order to Show Cause ("OSC") why he should not be suspended from practice before this Court following the Order of Suspension filed by the Nevada Supreme Court ("NSC") on August 22, 2023. (ECF Nos. 1 (OSC), 4 (the "Response").) As further explained below, the Court will suspend Attorney Phillips from practice before this Court because this Court has neither the obligation, resources, nor inclination to monitor Attorney Phillips' compliance with the probationary conditions the NSC imposed on him. However, Attorney Phillips may file a petition for reinstatement once he has fully discharged those conditions and can produce a certificate of good standing from the NSC reflecting the same.

II. BACKGROUND

Attorney Phillips was suspended by the NSC following his conditional guilty plea to a charge that he violated RPC 1.1 (competence), 1.3 (diligence), 3.1 (meritorious claims and contentions), 3.4 (fairness to opposing parties and counsel), and 4.4 (respect for rights of third persons). (ECF No. 1 at 3.) He agreed to a one-year suspension, stayed for two years, provided he complies with certain probationary conditions. (*Id.* at 5-6.) That

1 means that the NSC will release Attorney Phillips from probation in 2025 assuming he
2 complies with the conditions imposed on him.

3 The Court issued the OSC as to why Attorney Phillips should not be suspended
4 from practice in this Court on October 24, 2023. (*Id.*) Attorney Phillips filed his Response
5 on November 21, 2023. (ECF No. 4.) In his Response, Attorney Phillips argues the Court
6 should not reciprocally suspend him with an actual suspension because he is still able to
7 practice in Nevada state court, where he received a stayed suspension, and he is
8 complying with the NSC's probationary conditions. (*Id.* at 2-3.)

9 **III. DISCUSSION**

10 This Court imposes reciprocal discipline on a member of its bar when that person
11 is suspended or otherwise disciplined by a state court unless it determines that the state's
12 disciplinary adjudication was improper. *See In re Kramer*, 282 F.3d 721, 724 (9th Cir.
13 2002). Specifically, the Court will only decline to impose reciprocal discipline if the
14 attorney subject to discipline presents clear and convincing evidence that:

15 (A) the procedure in the other jurisdiction was so lacking in notice or opportunity to
16 be heard as to constitute a deprivation of due process; (B) there was such an
17 infirmity of proof establishing the misconduct as to give rise to a clear conviction
18 that the court should not accept as final the other jurisdiction's conclusion(s) on
that subject; (C) imposition of like discipline would result in a grave injustice; or (D)
other substantial reasons justify not accepting the other jurisdiction's
conclusion(s).

19 LR IA 11-7(e)(3); *see also In re Kramer*, 282 F.3d at 724-25 (stating that the attorney
20 bears the burden by clear and convincing evidence).

21 The Court will suspend Attorney Phillips from practice before this Court because
22 the NSC's disciplinary adjudication regarding Attorney Phillips following his conditional
23 guilty plea appears to have been proper, and he presents no clear and convincing
24 evidence to the contrary. Further, and as noted above, while Attorney Phillips does
25 appear to be allowed to practice in the Nevada state courts, he is also subject to
26 probationary conditions that this Court has neither the obligation, resources, nor
27 inclination to monitor. (ECF No. 1 at 5-6.)

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1 Despite Attorney Phillips' valid arguments in his Response, the Court sees no
2 substantial reasons not to suspend Attorney Phillips based on its review of the record.
3 See LR IA 11-7(e)(3). The Court's practice is to treat stayed suspensions by the NSC as
4 actual suspensions in this Court, following the NSC's lead in cases where it imposes
5 discipline instead of creating a parallel monitoring system. The Court does not wish to
6 create an exception for Attorney Phillips in this case. "Admission to practice before the
7 Supreme Court of Nevada, in good standing, is a continuing condition of admission to the
8 bar of this court." LR IA 11-1(a)(1). Attorney Phillips is not currently in good standing with
9 the NSC. Thus, he cannot currently satisfy a prerequisite for admission to the bar of this
10 Court. Moreover, as noted both above and in other, similar orders, the Court has neither
11 the obligation, resources, nor inclination to monitor compliance with the probationary
12 conditions the NSC imposed on Attorney Phillips. The Court will therefore suspend
13 Attorney Phillips.

14 That said, Attorney Phillips is free to petition the Court for reinstatement under LR
15 IA 11-7(i) assuming he is able to successfully complete his term of probation with the
16 NSC. Any petition for reinstatement should not be filed until Attorney Phillips has
17 successfully discharged each and every probationary condition imposed on him by the
18 NSC, and he is able to present both a certificate of good standing from the NSC and
19 evidence sufficient to establish that his practice in the Nevada state courts is fully
20 unencumbered by any probationary or other conditions stemming from his conditional
21 guilty plea or any other discipline imposed on him by the NSC, such as a letter from the
22 Nevada State Bar confirming he successfully discharged his probation.

23 **IV. CONCLUSION**

24 It is therefore ordered that Brandon L. Phillips, Bar No. 12264, is hereby
25 suspended from practice in the United States District Court for the District of Nevada.

26 DATED THIS 30th Day of November 2023.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and LR 5-1, I hereby certify that I am an employee of the United States District Court, and that on this 1st day of December 2023, I caused to be served a true and correct copy of the foregoing Order of Suspension to the following party via Certified Mail, Return Receipt Requested, via the United States Postal Service, in a sealed envelope, postage prepaid, to the following:

BRANDON L. PHILLIPS, ESQ.
5 Longevity Dr.
Las Vegas, NV 89014

Certified Mail No.: 7020 3160 0000 7420 4910

/s/ Sharon H.
Deputy Clerk
United States District Court,
District of Nevada